(S)

21/11/07

(80)

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 6849 of 2007

PETITIONERS

1. Naval Kumar Gouraha S/o Shri Narayan Prasad Gouraha age about 42 years, R/o Working as Assistant Teacher, Govt. Primary School, Chandipara Khokhra, Janjgir-Champa, Block Navagarh, Distt-Janjgir-Champa (C.G.)
2. Pavan Singh Chandel S/o Shri Gopi Singh, aged about 36 years Working as Assistant Teacher, Govt. Primary School Janpat Primary School Banari, Block Navagarh, Distt-Janjgir-Champa (C.G.)
3. Rajendra Sharma S/o Shri Kapoorchand Sharma, aged about 36 years, Working as Assistant Teacher, Govt. Primary School Singhul, Block Navagarh Distt-Janjgir-Champa (C.G.)
4. Ghuruva Ram Karsha S/o Shri Khedu Ram Karsha, aged about 38 years Working as Assistant Teacher, Govt. Medial School Putpura, Block Navagarh, Distt- Janjgir-Champa (C.G.)
5. Kush Ram Chandra S/o Shri Trilochan Prasad Chandra, aged about 38 years, Working as Assistant Teacher Govt. Primary School Dharshiva, Block Navagarh, Distt- Janjgir-Champa (C.G.)

Versus

RESPONDENTS

1. State Govt. of (C.G.) & Through Secretary Educational Department D.K.S. Bhawan, Distt- Raipur (C.G.)
2. District Education Officer Janjgir-Champa (C.G.)
3. Block Education Officer Navagarh, Distt- Janjgir-Champa (C.G.)

(Writ Petition under Article 226 of the Constitution of India)

Appearance:

Shri Amit Kumar Sharma, counsel for the petitioners.

Shri Ajay Dwivedi, Panel Lawyer, for the State on advance copy.

(31)

ORAL ORDER
(17.11.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

Learned counsel for the petitioners submits that petitioner No.1 has passed B.Ed. examination on his own expenses and petitioners No. 2, 3, 4 & 5 have passed B.T.I. examination on their own expenses, therefore, they are entitled to receive two advance increments according to circulars dated 24.12.1998 and 01.03.1999. He also submits that in many identical matters, the petitions have been allowed in terms of the order passed in the case of ***Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another {2006 (II) MPJR-CG 96}***. He submits that the case of the petitioners' is squarely covered by the said Judgment.

This legal position is not disputed by the learned counsel for the State. However, he submits that the order may be passed in terms of the said judgment, but it shall be subjected to verification regarding petitioners' such qualification.

Accordingly, this writ petition is allowed in terms of the order passed in case of *Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra)* subject to verification of the facts as to whether the petitioners had acquired B.Ed./B.T.I. Examination Certificates on their own expenses as per circulars dated 24.12.1998 and 01.03.1999 and further whether they have been paid two advance increments or not.

The petition stands finally disposed of. No order as to costs.

Sd/-
Sunil Kumar Sinha
Judge

Vatti